

Event Report

What You Looking At?
Drawing the line on violence in
advertising

Park Plaza, Nottingham
21 November 2007



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1. Introduction

Complaints to the ASA about violent imagery in advertisements are rising. In the last six months of 2006, 916 complaints about violence in ads were received, relating to 195 ads. Between January and October 2007, 1,748 complaints were made about 523 ads.

Complaints received related to a range of ads and products, from the predictable, such as advertisements for violent films and games, to the unexpected, such as a recent campaign for furniture store MFI. But all complainants expressed concern about the behaviour shown and whether it is appropriate for violence (whether actual or implied) to be used as a promotional tool.

Recognising the apparent rising public concern about violent imagery in advertising, the ASA invited organisations and individuals with a personal or professional concern about violence in society to participate in a seminar in Nottingham on 21 November 2007. A list of organisations represented at the seminar can be found on page 35.

The aim of the event was to hear the views and experiences of those present about the judgements that the ASA has made in this area in the past and to learn about current concerns in order to inform future judgements. The seminar was led by the ASA's Chairman, Lord Smith of Finsbury, and the Director General, Christopher Graham. A detailed report of delegates' views has been sent to, and discussed by, the ASA Council.

The ASA Council judges complaints about ads according to the rules laid down in the advertising codes. The codes state that advertisements should contain nothing that condones or is likely to provoke violence or anti-social behaviour. Any ad targeted at children should not contain anything that is likely to result in their physical, mental or moral harm.

Judging matters of taste and decency, harm and offence, however, is not always straightforward. The ASA is not a social engineer and does not aim to impose its own standards, but to reflect the prevailing views and opinions of the general public. Delegates were advised that the ASA is unable to act against products being advertised: its remit is the content of

advertisements. Violent games and films in particular may not appeal to all, but, by and large, these products can be legally advertised.

Three areas for debate were identified by the ASA, reflecting the types of complaints that have been received in recent months. These three areas were: ads for violent films and games, ads featuring knives and guns and advertisements showing other types of violence – including cartoon violence and domestic violence. In particular, the ASA wanted to explore the following questions:

Questions about ads for violent films or games

- How far should ads for 18 or 15 rated computer games or films reflect the content of the game or film?
- Should there be restrictions on where such ads appear? If so, what should those be?
- What are the particular elements of concern about these ads?
- Is there a difference between the depiction of 'fantasy' violence and 'real' violence?
- Does 'signposting' (e.g. on the internet) make such ads less offensive?
- How far can violence be 'stylised'?

Questions about ads featuring knives and guns

- Where should the ASA draw the line on images of knives and guns?
- How does the context of the ad influence how acceptable it is?
- How does the way a weapon is featured affect the impact of an ad?
- What elements of an ad might serve to glamorise guns or knives?
- What elements of an ad might serve to condone gun or knife violence?
- What other elements of an ad contribute to making it unacceptable?

Questions about 'other types of violence' in ads

- What's the difference between a 'tasteless' ad and one likely to cause harm or provoke violence?
- Does the use of humour mitigate violence in an ad?

- How far does the product or service being advertised affect the acceptability of a violent ad? Might an ad for a charity be more acceptable?
- Is cartoon or animated violence more acceptable than 'real' violence?
- Should there be different standards for adverts on the internet?
- How useful is the watershed?

Limitations on time meant that not all areas were discussed in detail. A summary of the discussions is reproduced below. All comments have been anonymised with the exception of those made by some ASA representatives.

2. Advertisements for violent films and games

Between January and May 2007, the ASA received 82 complaints about ads for violent films and computer or video games. ASA staff introduced the debate at the conference by showing three ads: a TV ad for the film *Silent Hill* which shows a woman's throat being cut (see page 17), a poster for the game *Mortal Kombat* (see page 18) and two press ads for the game *Hitman 2* (page 18).

Violence is intrinsic to these types of products and this is reflected in their advertising. The films and games themselves are outside the ASA's remit and can legally be advertised in the UK. The ASA's role is to adjudicate on complaints about the content of the advertisements; not the products themselves.

During discussion, one delegate picked up on this point and said adverts for games and films had a right to reflect their content. Advertisers had a responsibility to make sure the ad represented the product. It would be worse if people did not know a film featured guns and violence and then went to see it. He said it was a process of classification and context, but that grey areas existed around the issue of whether a young person could access the product being advertised. The problem was adult products being advertised to young people, not the advertisements per se.

Another delegate said that horror films and violent computer games desensitised young people to violence. She said that local authorities define young people as under-18, not under-16¹ and she was concerned that vulnerable 16 and 17 year olds were being targeted by advertising for violent media products.

i. Torture

One delegate said that she thought that the ad for the film *Silent Hill* (see page 17) which showed various scenes of torture and a woman's throat being cut was inappropriate because it encouraged the idea that it was acceptable to torture people. In her opinion, permitting ads of this nature encouraged young men with already violent tendencies to consider violence as thrilling and normal.

¹ The advertising codes define children as people under the age of 16.

Another delegate said that torture was a prominent feature of films at the moment, such as *Hostel*. But Nescafé's coffee bean ad (see page 22) was humorous. A third participant disagreed and said that the coffee bean ad was not justified because the subject of torture and coffee beans did not go together and was unnecessary. But another delegate pointed out that the coffee bean ad was from 2001 and that the world had changed a lot since then. He said the ad might be offensive to some people now, but it wouldn't have been when it appeared.

ii. 'Fantasy' Violence

One delegate felt that the bus ad for *Saw III* (see page 18) which depicted bloody pulled teeth hanging from strings was extremely offensive and that it glamorised torture. Many delegates agreed that the depiction or enjoyment of fantasy torture was not something they would condone and one delegate said that the social climate of violence in culture was really desperate for some sections of society at present. From a grassroots perspective, people were trying to address it and finding that advertising images were not helping. He felt that the fantasy/reality argument was academic under the circumstances because images on the street could have an impact straight away.

In the discussion that followed, it was pointed out that James Bond violence had been perceived as clearly fantasy violence for years and therefore seen as relatively acceptable, but there was nevertheless a fine line to be drawn. There had to be room for fantasy and imagination should not be stifled. The view was expressed that most people are able to distinguish between imaginary violence and real violence and to lead law-abiding lives.

3. Advertisements featuring guns and knives

The ASA has investigated a range of advertisements for different products featuring knives and guns. Examples shown to delegates can be found on pages 19 and 20). Coincidentally, the ASA published its ruling on the *Shoot 'Em Up* posters on the day of the conference. There were 55 complaints about the posters and the ASA's ruling is available at: www.asa.org.uk/asa/adjudications/Public/TF_ADJ_43573.htm.

General discussion revealed wide concern amongst participants about the depiction of knives and guns in ads. Many of the delegates were opposed to any use of guns and knives in advertising. One delegate said she was concerned that the portrayal of weapons in advertising gave them a certain 'coolness' which did nothing to help keep knife and gun possession down amongst young people; another said he was concerned that images of guns were depicted in the media when there were such efforts being made to bring gun crime down. A third delegate questioned why highly creative people within the advertising industry needed to use images of guns and knives in order to get advertising messages across.

The Reebok television commercial featuring the rapper 50 Cent was shown (see page 19). Delegates were unanimous in finding the ad unacceptable and all agreed that it glamorised violence. Some questioned how it had appeared on TV at all; while another person said they also found the strapline: "I am what I am" offensive on religious grounds.

One delegate said that many music videos were interlinked with films, for example *Get Rich or Die Trying* which linked the movie and the music video and, in his view, deliberately glamorised violence. The ASA should take a 'plan for the worst and hope for the best' approach in the context of guns in ads. He questioned whether young people had the emotional skills to think about other forms of conflict resolution and the impact of their actions, particularly around using guns. In these situations the ASA should not be thinking about what the general public thinks or does, but about those who are more likely to be affected, such as vulnerable youngsters.

i. Position of weapon

An ASA staff member explained that, when considering complaints about the appearance of weapons in ads, the positioning of the weapon was a key factor. Guns and knives pointing directly at the viewer are more likely to cause offence or unnecessary fear and distress than those pointing away from the viewer.

Some delegates felt the position of a weapon in an ad was irrelevant and that its presence, even if held pointing at the ground, still glamorised violence. One person said that in the current climate, any depiction of guns or knives in advertising sent out the wrong message to young people. Another participant agreed, saying that a gun was a dangerous weapon and that however it was held, its intention was to harm. A gun held in the hand communicates an intention and an action and he asked the ASA to look at the message the gun carries. It was important to ask who the ad was intended for: most of the time this would be adults. Parents should be held responsible for their children but they have no control over what their children see when they are exposed to images outside of the home.

One delegate said that the only problem with the *Shoot 'Em Up* posters (see page 19) was that the gun was pointing in a threatening way. If the gun had been pointing down it would have been acceptable. Guns should be respected and not glamorised, but it never comes across in ads that they are dangerous.

ii. Threat

Another delegate commented that a key question should also be the level of threat depicted by guns or knives in ads. One participant, who had carried out research with young adults about images in the media, said that adolescents she worked with were not intimidated by images of guns, but by the expressions on the faces of those that carried them.

The concept of power in ads was raised by one delegate who said that the ASA needed to consider how power was being expressed in these ads, whatever behaviour was being exhibited. There may be times when the threat of violence itself is enough to make the ad unacceptable without actual violence being displayed in the ad. Implied violence could also be threatening and should be considered by the ASA too.

4. Advertisements depicting other types of violence

Violence in advertising is not restricted to guns and knives, or ads for violent films and games. Opening debate on other types of violence in ads, an ASA staff member explained that complaints have been received about domestic violence in ads, ads depicting fights or featuring blood or wounds. An ad for the NSPCC featuring a cartoon child being physically abused, was shown to delegates (see page 21), as well as an ad for furniture store MFI showing a woman slapping her husband for leaving the toilet seat up (see page 21) and an ad for Diesel jeans showing models with lacerated backs holding whips (see page 22).

i. Domestic violence

Delegates agreed unanimously that the TV ad where a woman slapped her husband in the face for not putting the toilet seat down was unacceptable. Several commented that it condoned domestic violence and sent out the wrong message. Others felt that the fact that the couple in this ad were British Chinese was offensive because in the series of ads for MFI on the theme of “feeling right at home” to which this ad belonged, only an ethnic minority family was shown using actual physical aggression with another.

One delegate said that she thought the MFI ad was unacceptable because many men experience domestic violence but do not talk about it. She said the humour would be painful for those men, and for them it was a reality they found hard to deal with.

One delegate said that if someone was slapped in the street the assailant could be arrested and such behaviour was therefore out of place in an ad for a furniture showroom. He said lots of violence in city centres on a Friday night was ‘mild’ but could still lead to arrest. He said that if violent behaviour was presented in the media it reinforced the fact that that kind of violence was not that serious.

Some delegates felt that the Dolce and Gabbana ad (see page 20) was distressing and condoned domestic violence while others saw it as a fantasy scenario bearing no relation to domestic abuse.

ii. Presenting violence as a solution

One delegate said that violence was often put forward as the way of solving a problem (with a slap, a knife or a gun) and he felt this was an invidious message and undermined the work being done by teachers and community groups with youngsters.

iii Shock tactics

Discussion about the NSPCC ad raised questions about the appropriateness of using shocking images in advertising. Several delegates felt that because the NSPCC was a children's charity raising awareness about a serious issue, it was acceptable for a degree of shock to be employed to shake people out of an apathetic state and prompt them to donate money or otherwise participate in the campaign. One delegate felt that because the NSPCC ad identified with the victim of violence and not with the perpetrator it was permissible and socially responsible. The charity's ad was justified because many people do not report domestic abuse and public service advertising/charity advertising had a duty to raise the issue, therefore although the ad with the cartoon child being beaten was upsetting, it was justified. Others however, felt that the ad went too far and might upset children.

One delegate said the ASA had to consider the message behind the ad and whether it normalised violence. She said the message in the NSPCC ad was clearly that violence is not acceptable. She said the ad was powerful and shocking and was clearly saying that this was real. She said the animation was a clever way of getting that message across and the ASA had to consider the ultimate message behind the ad.

5. Other issues raised by delegates

i. Young people

The topic of young people and violent advertising was a recurrent theme throughout the discussion. One participant said that advertising and media context would be received and interpreted by children in the context of their lives. She said that advertisers needed to think about the worst case scenarios; about young people growing up in violent or abusive settings and the effect violent imagery would be likely to have on them.

Another delegate said that the images people see stay in their brain and that advertisers planted images in children's brains to sell things. She said lots of studies had shown the causal connection between media violence and behaviour in children. She said any violence in the media was damaging to children.

Another delegate said a recent National Consumer Council report revealed that 97% of children from deprived areas had a TV in their bedrooms and that 93% had a DVD player or computer in their bedrooms. She said the figures were less in affluent homes where these items tended to be kept in communal areas.

One participant said that 81% of youngsters see violence as a major problem in their lives and 61% said they feared attack with a weapon. She said children's world views match what they see in the media.

Another participant questioned whether the amount of violent imagery or music in youth culture meant that young people were desensitised to violence and whether inner cities were more desensitised than other areas. He asked to what extent these problems were the result of advertising, or existed anyway?

ii. Ethnic minorities

The depiction of ethnic minorities in some of the advertisements shown at the seminar prompted much debate. A number of delegates expressed concern about the representation of ethnic minorities in ads depicting violence and the reinforcement of stereotypes of ethnic minorities as the

perpetrators of violence. Several people felt that the young black man in the hooded top in the Mortal Kombat poster (see page 18) was not portrayed as an innocent bystander in the ad (as the ASA had ruled, accepting the advertiser's evidence on this point), but as a participant in a violent crime. Another delegate agreed that the ad was deliberately sinister in nature and that the use of the young black man played, in his opinion, on stereotyped associations between black men and criminality to achieve this effect, which he found deeply problematic. This view was shared by others.

Another delegate asked what sort of consultation process the ASA undertook when considering the question of racial stereotypes in advertising. He said that the issue of stereotyped representations was particularly important for specific sections of the community, and that those sections of the community, namely ethnic and/or religious minorities, should be consulted when the ASA was deciding whether a representation was offensive or not.

iii. Context

Context is an important consideration in terms of the content of ads for horror films and computer games. One delegate contrasted ads such as Mortal Kombat (see page 18), appearing on posters, with ads such as that for Hit Man Two (see page 18), appearing in targeted specialist magazines. While the former would inevitably be seen by children, the latter would be unlikely to cause serious or widespread offence to readers.

Someone who worked in education said that in thinking about the audiences for advertising of this nature it was important to remember that magazines such as Playstation would be passed on very frequently by older teenagers to younger members of the family. He also felt that the advent of video/DVD recording and new developments such as Sky Plus meant that scheduling restrictions were no longer truly effective in terms of keeping adult material away from children.

One delegate said that recent anti-gun campaign posters in Nottingham had appeared alongside the '*Shoot 'Em Up*' posters and that the juxtaposition had made a mockery of a very serious campaign.

Delegates saw a print ad for Dolce and Gabbana (see page 20) in the style of a Napoleonic painting depicting knives which had been placed in

the Daily Telegraph magazine. One delegate commented that the ad was not likely to persuade Daily Telegraph readers to knife one another, but another delegate said that the ad could potentially appear alongside a news item about a murder² and that would be offensive.

Another delegate said that the location of the ad mattered. He said there had been a couple of gun murders in his local community and that later an ad featuring a gun had been put up so that the gun was pointing at the scene of the murder. He said there was no reason why billboard owners could not check with the local authority to see if there were any areas of local concern. He said it was irresponsible of them not to do this already.

iv. Scheduling

One delegate said that many 14 year olds, in his opinion were likely to be up well past 11pm and were also likely to have televisions in their rooms. However, it was acknowledged that parental responsibility was an issue here as well as responsibility on the part of advertisers.

² In fact, the ad had appeared opposite a news item about a stabbing.

6. The advertising self-regulatory system

The ASA administers the self-regulatory system for advertising in the UK. For more information about the ASA and its work, see: www.asa.org.uk/asa/about/short_guide/. Questions about how the self-regulatory system operates were raised at the conference and a summary of the questions and the ASA's replies is below.

i. Pre-vetting

During the seminar, one delegate said that surely it would make sense to pre-vet all ads before they went to press. The ASA Chairman explained that all broadcast ads are pre-cleared by the Broadcast Advertising Clearance Centre (BACC), now renamed Clearcast, and the Radio Advertising Clearance Centre (RACC), two organisations separate from the ASA. For example, the Reebok 50 Cent ad (see page 19) had been pre-cleared by the BACC because it did not actually depict violence, but they had not taken into account the implications of the ad. There is no pre-clearing of non-broadcast media – the sheer number of non-broadcast ads appearing each year would make it an impossible task. Self-regulation means that when accepting ads for publication, media owners take a decision about what is appropriate to publish. But in some rare cases the ASA could stop an ad during the course of a formal investigation.

ii. Publicity

Someone said that advertising like Dolce and Gabbana (see page 20) was seen as a 'win-win' situation by the promoters. He thought Dolce and Gabbana would not lose out if the complaint was upheld, because they still got free publicity even if the ad was upheld by the ASA.

An ASA staff member explained that this can be a dilemma for the ASA because if an ad is banned it may also get publicity. But such publicity is not always good news for the advertiser. Ad agencies also dislike bad press because it diminishes their reputation in the eyes of the advertising world. There could also be a market impact, for example, a recent ruling against a press ad for a fruit drink had dented the advertiser's reputation

and their market profile. Intervention by the ASA can have an adverse impact for advertisers and their brand.

iii. The advertising codes

A delegate asked whether there was a need for the code to be tightened because of grey areas. She said advertisers were pushing against boundaries and hoping that there would be no complaints. In response, the ASA Chairman said that if the advertising codes were so detailed that they covered every eventuality, things may be excluded or missed out. The codes are based on general principles which the ASA Council interprets in individual circumstances and so they can be applied to all ads, whatever the product or creative treatment. The Chairman explained that as the ASA adjudicates a body of case law develops to guide ad agencies and advertisers.

7. Ads for violent films and games

(this is a selection of the ads shown during the seminar, including those referred to in the report of the discussion)

i. Magazine, national press and poster ad for *The Punisher* computer game

View the ASA's adjudication here:

www.asa.org.uk/asa/adjudications/non_broadcast/Adjudication+Details.htm?Adjudication_id=39733



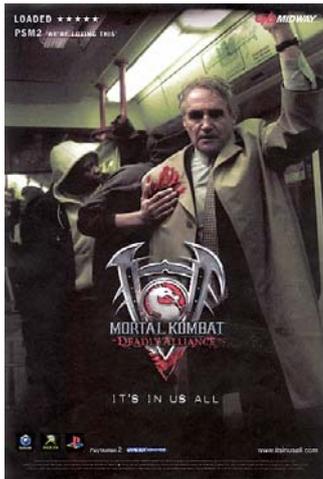
ii. Still from a TV ad for the film *Silent Hill*. View the ASA's adjudication here:

www.asa.org.uk/asa/adjudications/Public/TF_ADJ_42050.htm



iii. Poster for computer game *Mortal Kombat*. View the ASA's adjudication here:

www.asa.org.uk/asa/adjudications/non_broadcast/Adjudication+Details.htm?Adjudication_id=35806.



iv. Bus ad promoting the film *Saw III*. The ASA Council decided an investigation was not justified. No adjudication published.



v. Press ads for computer game *Hitman 2*. Complaints about these ads were resolved informally and no adjudication was published.

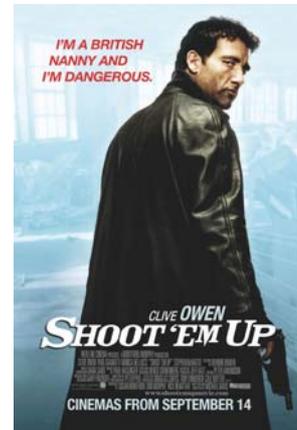
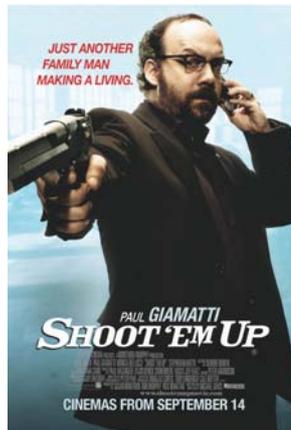


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8. Ads featuring guns and knives

(This is a selection from the ads shown during the seminar, including those referred to in the report of the discussion)

- i. Poster ads for *Shoot 'Em Up*. View the ASA's adjudication here: www.asa.org.uk/asa/adjudications/Public/TF_ADJ_43573.htm.

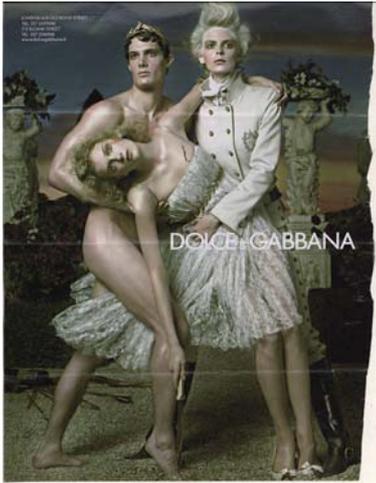


- ii. Still from a TV ad for Reebok featuring 50 Cent. View the ASA's adjudication here: www.asa.org.uk/NR/rdonlyres/ABDE91FE-4E42-4937-8DB1-749F3C4BFF38/0/Broadcast_report_18_May_05.pdf



iii. National press ad for Dolce and Gabbana. View the ASA's adjudication here:

www.asa.org.uk/asa/adjudications/Public/TF_ADJ_42118.htm



9. Ads showing other types of violence

(This is a selection from the ads shown during the seminar, including those referred to in the report of the discussion)

- i. Still from MFI's TV 'Slap' ad. View the ASA's adjudication here: www.asa.org.uk/asa/adjudications/non_broadcast/Adjudication+Details.htm?Adjudication_id=43245



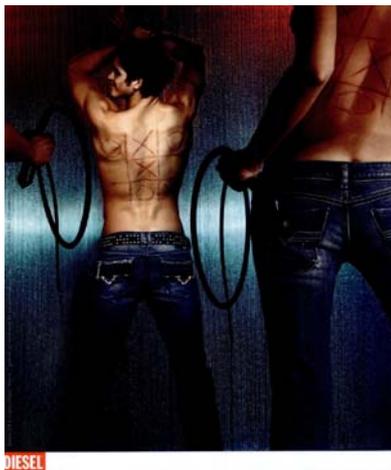
- ii. Still from the NSPCC's 'Real Children Don't Bounce Back' TV ad. Complaints about this ad were considered by the Independent Television Commission (before the ASA took over responsibility for broadcast ads). The complaints were not upheld.



iii. Poster ads for Nescafé Coffee. View the ASA's adjudication here: www.asa.org.uk/asa/adjudications/non_broadcast/Adjudication+Details.htm?Adjudication_id=33227



iv. Poster and magazine ad for Diesel Jeans. View the ASA's adjudication here: www.asa.org.uk/asa/adjudications/non_broadcast/Adjudication+Details.htm?Adjudication_id=40533



Appendix 1 – The Advertising Codes

Relevant code clauses from the Television, Radio and Non-broadcast advertising codes:

Television Advertising Standards Code

SECTION 6: HARM AND OFFENCE

Background:

(1) The rules in this Section (and in 7.3: Harm and Distress to Children) are intended to prevent advertising leading to harm. They are also to prevent advertising causing offence to viewers generally or to particular groups in society (for example by causing significant distress, disgust or insult, or by offending against widespread public feeling).

The ASA and BCAP will not act, however, where advertising is simply criticised for not being in ‘good taste’ unless the material also offends against generally accepted moral, social or cultural standards. Apart from freedom of speech considerations, there are often large and sometimes contradictory differences in views about what constitutes ‘bad taste’ or what should be deplored. Nevertheless, licensees may wish to make judgements about matters of taste in order to cater for their particular audiences.

(2) The use of humour may reduce the risk of offence in borderline cases. But where there is a risk of significant offence, humour will rarely help. Nor will it usually reduce the likelihood of harmful influence, particularly on children.

(3) There are additional rules about health, safety and social harm which apply to all advertising but which are focused on particular issues or categories of product or service (such as Driving Standards, Alcohol, Medicines, Food or Lotteries, Pools & Bingo).

6.1 Offence

Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards, or offend against public feeling

Notes:

(1) Although no list can be exhaustive, and values evolve over time, society has shared standards in areas such as:

- (a) the portrayal of death, injury, violence (particularly sexual violence), cruelty or misfortune*
 - (b) respect for the interests and dignity of minorities*
 - (c) respect for spiritual beliefs, rites, sacred images etc*
 - (d) sex and nudity, and the use of offensive language. (For further information see the ITC research reports Nudity in Television Advertising and the ASA/ITC report Delete Expletives. The latter reports on attitudes to swearing and offensive language.)*
- (2) The ASA does not judge cases simply, or even primarily, on the number of complaints received. It makes judgements about the likelihood of widespread offence as well as taking into account the possibility of deep, usually unintentional, offence to sections of the audience which have particular vulnerabilities.*
- (3) Particular circumstances can result in otherwise unobjectionable material causing offence. For example, a joke may cease to be acceptable if it seems to refer to a recent tragedy or if it appears close to a programme about a serious, related issue. On the other hand, if material might be on the edge of acceptability for a general audience but would be perfectly acceptable to, for example, young adults, careful scheduling in 'youth' programmes may be sufficient to avoid causing offence.*
- (4) Whilst commercials for media products such as CDs and videos must not mislead about their content, any extracts from the products should not cause offence.*

6.2 Violence and cruelty

- (a) Advertisements must not encourage or condone violence or cruelty
- (b) Gratuitous and realistic portrayals of cruel or irresponsible treatment of people or animals are not acceptable

Notes to 6.2:

- (1) Careful judgements are needed in this area. 'Theatrical' violence (for example, the mayhem common in action/adventure films) is generally acceptable, as is violence which has a stylised 'cartoon' or slapstick quality. Problems are more likely to arise where the violence seems to take place in everyday life and to involve ordinary people. However, care should be taken to avoid giving young viewers the impression that copying wrestling, martial arts etc would be safe, harmless fun.*
- (2) Advertisements must not appear to condone people using violence or aggression to get their own way in everyday life.*

(3) Jokes about or involving violence require care and will usually need to be distanced from everyday life by being, for example, in cartoon form.

(4) Scenes which would otherwise be inappropriate may be acceptable to the audience in, for example, charity advertising or newsreel footage in advertisements for news media.

(5) Timing restrictions are necessary for advertising featuring violence. See 7.3.6 (Distress) and 7.3.7 (Scheduling) below.

6.4 Personal distress

Advertisements must not, without good reason, contain material which is likely to cause serious distress to significant numbers of viewers

Notes:

(1) Any appeal to fear should be justified and proportionate. Only mild material is likely to be acceptable in demonstrating, for example, the risks in not buying life insurance. More disturbing material might be acceptable in, for example, road safety advertising. See also 8.2.11(a) (re Medicines etc) and 10.14 (re Doctrinal Advertising).

(2) Scenarios which might be distressing reminders of tragic personal experiences for significant numbers of viewers should be carefully judged. For example, at any given time, many viewers will be recently bereaved.

6.7 Health and safety

Advertisements must not encourage or condone behaviour prejudicial to health and safety and advertisements must not use techniques that may directly harm viewers

Notes:

(1) This does not prevent responsible advertising for products and services which, used to excess or abused, could endanger health or safety.

(2) The use of proper safety equipment or working practices must not be mocked or discouraged.

(3) Tools, hazardous substances etc should normally be shown being used and stored in accordance with their manufacturers' instructions, relevant law and safety regulations.

(4) Where appropriate, licensees should seek appropriate 'best practice' advice relating to activities which can be dangerous, either in all circumstances or if undertaken without proper precautions. Relevant

sources might be the codes of statutory bodies, statements of established public policy or published guidance from recognised independent safety organisations.

(5) Photo-Sensitive Epilepsy: See Ofcom's [Guidance Note for Licensees on Flashing Images and Regular Patterns in Television](#).

7.4 HARM AND DISTRESS

7.4.1 Mental harm

Advertisements must not contain material which could lead to social, moral or psychological harm to children

Note:

Negative or anti-social attitudes reflected in commercials may endorse similar attitudes amongst children. For example, advertisements should not:

- (a) present criminal activities in a way which is likely to condone comparable behaviour in real life. (Scenarios which are clearly comedy or drama do not generally cause problems.)*
- (b) disparage education, high personal standards or caring qualities*
- (c) appear to condone boorish, greedy or anti-social behaviour*
- (d) present aggression as admirable or suggest it is an acceptable means of resolving problems or getting one's own way in real life.*

7.4.2 Physical harm

Advertisements must not contain material which could lead to physical harm to children

Notes:

This guidance indicates particular areas of risk but is not exhaustive.

(1) Harmful emulation: Children sometimes copy dangerous or anti-social behaviour shown in advertisements. Experience and research have indicated that the following can be contributory factors:

- a) the behaviour is easy to copy (ie without special preparations)*
- b) the scenario seems realistic rather than fantasy; live action rather than cartoon*
- c) the behaviour and the hero are 'cool'*
- d) the product or advertising appeals to the relevant age groups.*

Even if no children appear in an advertisement, it may be possible for examples set by adults to encourage or condone dangerous or anti-social behaviour by children. Experience has also shown that even advertisements with no obvious youth appeal can trigger emulation if the action itself is particularly intriguing. Care should be taken that dangerous behaviour will not be seen as a challenge or dare.

Licensees should balance the risk of the behaviour (or similar actions) actually being copied by children against how serious the consequences could be if there was emulation. Clearly, the less serious the potential consequences, the more leeway is available. For further information see [Copycat Kids?](#) an ITC-commissioned report on research into emulation risks.

(2) Safety: Advertisements must not encourage or condone potentially dangerous behaviour and should not discourage children from following established safety guidelines. The advice of relevant safety organisations should be sought where there is doubt.

Particular care should be taken with:

*a) road safety for children as pedestrians, cyclists or passengers
b) domestic situations (where most accidents happen)
c) medicines and chemicals, or items which could be mistaken for them
d) dangerous machinery, fire, matches etc. (Because children may be particularly attracted to what other children are seen doing in commercials, they should not normally be shown using products which are not intended for them and which can be dangerous.)*

e) playing in or near water, or digging 'caves' in sand dunes etc. (Children have died when caves have collapsed.)

(3) Clubs: Licensees should normally obtain satisfactory evidence that children's clubs promoted in advertising are responsibly supervised.

7.4.3 Bullying

Advertisements must not encourage or condone bullying

Notes:

(1) Except in appropriate charity or public service advertising, advertisements should not normally show scenes of bullying, taunting or teasing, or of children being ostracised or criticised behind their backs.

(2) Care is needed with stereotypes of children to avoid the risk of bullying. Children who are 'different' physically or in behaviour, ability or background must not be presented as unpopular or unsuccessful. Nor should they normally be presented as non-users of a product or service or

unworthy of it. However, even if an advertisement portrays only adults being stereotyped, an ill-judged stereotype could still be harmful to children (for example, by encouraging bullying).

7.4.6 Distress

Advertisements likely to cause distress to children must not be shown in children's programmes, or in programmes likely to be seen by significant numbers of younger children

Notes:

(1) Distress may be caused, particularly to younger children, by frightening material, extreme appeals to the emotions etc. However, there can be cases where a very few children, because of their individual circumstances or experiences, may be upset by material which would not affect the vast majority of children. In those cases, the ASA and BCAP would not be justified in taking action. Experience has shown that children up to four years can be upset if their feelings of security are undermined by, for example, the use of 'morphing' (computer effects) to distort real human faces grotesquely. Young children often sit close to the screen and this can magnify the impact of disturbing material.

Some children up to about ten years old may also be distressed by, for example, aggression or inter-personal violence which seems 'real'.

(2) Advertisements likely to distress children will require timing restrictions whether or not the campaign is intended for a young audience. (See 7.3.7)

7.4.7 Use of scheduling restrictions

Appropriate timing restrictions must be applied to advertisements which might harm or distress children of particular ages or which are otherwise unsuitable for them

Notes:

(1) Please also see the BCAP Rules on the Scheduling of Advertising.

(2) The following advice reflects decisions and guidance derived from past cases including those previously published in Ofcom Advertising Complaints Reports.

The ASA and BCAP distinguish between two kinds of advertising problem in this area:

- *Inappropriate advertising – advertising which is regarded as relatively harmless but would be considered inappropriate by many parents in either children’s programmes or family viewing time*
- *Harmful advertising – advertising (rarely encountered) which could be a direct harmful influence on children or teenagers, or could be seriously distressing to younger children.*

Inappropriate advertising

The ASA and BCAP believe that parents should feel confident that they can allow even the youngest children to watch, unaccompanied, programmes made specifically for children. Excluding advertising from breaks in or around these programmes, or from children’s channels, is often called an ‘Ex Kids’ restriction. It is a suitable restriction for advertising which is inappropriate for children up to about eight years old (as long as it is not likely to be harmful or distressing to them). Even mildly sexual or aggressive content must be excluded.

If advertising is inappropriate for children over eight, Ex Kids may not be sufficient.

The following may be useful in considering which timing restrictions are appropriate:

- *Inappropriate for children under eight: Consider Ex Kids*
- *Inappropriate for children over eight: Consider further restriction*

Harmful Advertising

When an advertisement has been tested against the rules in 7.3 and a judgement has been made that it could be a harmful influence or could cause distress to particular age groups, a more stringent restriction is required than for advertising which is simply ‘inappropriate’. A restriction which will minimise the chances of those in the relevant age groups seeing the advertising is needed. (Even conscientious parents cannot, in practice, control their children’s viewing of advertising because, unlike programmes which are scheduled, advertisements appear unpredictably.)

Once the difficult judgement has been made that there is a significant risk of harm or distress, the choice of an appropriate restriction can be based on children’s and teenagers’ viewing patterns.

In these fairly uncommon cases, the following guidance may be helpful in minimising the chance of the identified age group seeing the advertising:

- *Ex Kids restriction* *Will avoid most children up to 4 years old*
- *Post 9pm restriction* *Will avoid most 5-8 year olds*

- *Later restriction (eg post 11pm) Will avoid most 9-12 year olds*

Where a realistic risk of harm to those over 12 years old is perceived, consideration will need to be given to whether the advertising should be shown at all.

Making judgements

In judging the suitability of a timing restriction, the ASA and BCAP will take account of the seriousness of any potential consequences, the realistic likelihood of a problem arising, and the age of the children likely to be affected.

The ASA and BCAP acknowledge that it is not easy to predict the reactions of children of particular ages and recognise that cases must be judged on their individual merits.

Radio Advertising Standards Code

9 Good Taste, Decency and Offence To Public Feeling

The Communications Act 2003 sections 319(2) and 325 require ASA and BCAP (exercising powers contracted out by Ofcom) set and enforce standards to ensure that “*generally accepted standards are applied to the content of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material*”.

Standards of taste are subjective and individual reactions can differ considerably. Each station is expected to exercise responsible judgements and to take account of the sensitivities of all sections of its audience when deciding on the acceptability or scheduling of advertisements (and see Rule 8 above). For example, advertisers may make a range of advertisements which are suitable for different listeners and moods. Where research on individual stations shows that a significant number of specific listeners, such as those aged below 16 years, are present at certain times, such as at breakfast or in daytime during school holidays, stations must schedule sensitive advertisements accordingly.

In particular:

- a) offensive and profane language must be avoided;
- b) salacious, violent or indecent themes, or sexual innuendo or stereotyping likely to cause serious or general offence, should be avoided;
- c) references to minority groups should not be stereotypical, malicious, unkind or hurtful;
- d) references to religious or political beliefs should not be offensive, deprecating or hurtful, and the use of religious themes and treatments by non-religious groups should be treated with extreme care;

- e) those who have physical, sensory, intellectual or mental health disabilities should not be demeaned or ridiculed;
- f) the handling of films, plays, music tracks or websites with salacious, violent or sexual themes and/or titles requires careful consideration. Audio clips should portray the product's true nature but clips containing bad language, sexual innuendo and/or gratuitous violence should normally be avoided;
- g) humour should not be used to circumvent the intention of Code Rules.

10 Harm

Advertising must not harm listeners nor exploit, either personally or financially, their vulnerability. No advertising is acceptable from those who practise or advocate illegal or harmful, or potentially harmful behaviour.

No advertisement may encourage or condone behaviour which is harmful or prejudicial to health and safety. This does not preclude responsible advertisements for products and services which, used to excess or abused, could endanger health or safety.

The British Code of Advertising, Sales Promotion and Direct Marketing (Non-broadcast advertising)

- 2.2 All marketing communications should be prepared with a sense of responsibility to consumers and to society.

Decency (ie avoiding serious or widespread offence)

- 5.1 Marketing communications should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Code will be judged on the context, medium, audience, product and prevailing standards of decency.
- 5.2 Marketing communications may be distasteful without necessarily conflicting with 5.1 above. Marketers are urged to consider public sensitivities before using potentially offensive material.
- 5.3 The fact that a particular product is offensive to some people is not sufficient grounds for objecting to a marketing communication for it.

Fear and distress

- 9.1 No marketing communication should cause fear or distress without good reason. Marketers should not use shocking claims or images merely to attract attention.
- 9.2 Marketers may use an appeal to fear to encourage prudent behaviour or to discourage dangerous or ill-advised actions; the fear likely to be aroused should not be disproportionate to the risk.

Violence and anti-social behaviour

- 11.1 Marketing communications should contain nothing that condones or is likely to provoke violence or anti-social behaviour.

Children

- 47.1 For the purposes of the Code, a child is someone under 16. The way in which children perceive and react to marketing communications is influenced by their age, experience and the context in which the message is delivered; marketing communications that are acceptable for young teenagers will not necessarily be acceptable for young children. The ASA will take these factors into account when assessing marketing communications.
- 47.2 Marketing communications addressed to, targeted at or featuring children should contain nothing that is likely to result in their physical, mental or moral harm:
- a they should not be encouraged to enter strange places or talk to strangers. Care is needed when they are asked to make collections, enter schemes or gather labels, wrappers, coupons and the like
 - b they should not be shown in hazardous situations or behaving dangerously in the home or outside except to promote safety. Children should not be shown unattended in street scenes unless they are old enough to take responsibility for their own safety. Pedestrians and cyclists should be seen to observe the Highway Code
 - c they should not be shown using or in close proximity to dangerous substances or equipment without direct adult supervision. Examples include matches, petrol, certain medicines and household substances as well as certain electrical appliances and machinery, including agricultural equipment
 - d they should not be encouraged to copy any practice that might be unsafe for a child.

Appendix 2 – Organisations represented at the seminar

Advertising Association
Afro-Caribbean Education & Training Services
BAC-IN Self Help Support Group
Bilborough Children's Centre
Black Families in Education
Brother to Brother
Department for Children, Schools and Families
ELSPA Ltd
Erewash Borough Council
Government Office for the East Midlands
Holmdene Housing Services
Kensal Green Community Safety Forum
Mediamarch
Melton Borough Council
Milford Associates
National Children's Bureau
Nottingham Asian Arts Council
Nottingham City Council
Nottingham Crime & Drugs Partnership
Open University Business School
Robert Gordon University
UHURU
University of Nottingham

ASA Participants

Rt Hon Lord Smith of Finsbury, ASA Chairman
Christopher Graham, Director General

Jenny Alexander, Investigations Executive
Laura Coffey, Investigations Executive
Claire Forbes, Director of Communications
Zoë Kalu, Events Organiser
Debra Quantrill, Marketing Communications Executive
Matt Wilson, Press Officer

For more information about the Advertising Standards Authority and its work, or to make a complaint about an advertisement, please visit www.asa.org.uk or call 020 7492 2222.

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